

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

November 19, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

HAWAII

Issuance of Right-of-Entry Permit to the Federal Highway Administration and
Okahara & Associates Inc., onto Encumbered State Lands at Kaumana, South Hilo,
Hawaii, Tax Map Key: 3rd/ 2-5-002: 001.

APPLICANT:

The Federal Highway Administration (FHWA)

Okahara & Associates, Inc. (OAI), a Hawaii corporation whose business and mailing
address is 200 Kohola Street, Hilo, HI 96720.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Kaumana, South Hilo, Hawaii, identified by Tax
Map Key: 3rd/ 2-5-002: 001, as shown on the attached map labeled Exhibit A.

AREA:

94.88 acres, more or less.

ZONING:

State Land Use District:	Agriculture
County of Hawaii CZO:	Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES ____ NO x

CURRENT USE STATUS:

Encumbered by Land Office Deed No. S-27,793 to B.A. Klingshirn, for a 12-foot wide access and utility easement.

Land Office Deed No. S-27,794 to the Hawaii Electric Light Company, Inc. for utility easement purposes.

CHARACTER OF USE:

For purposes of conducting geotechnical explorations, design work, and survey services relating to the proposed realignment of the Saddle Road Project.

TERM OF RIGHT-OF-ENTRY:

9 months, commencing on November 16, 2009 and expiring on August 16, 2010.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 5, Item No. 1 that states "Permission to enter State lands for the purpose of basic data collection, research, experimental management and resources evaluation activities such as archaeological survey, topographic survey, test borings for soil test, ground cover survey inspection of property for appraisal and development feasibility study purposes."

DCCA VERIFICATION:

Not applicable, government agency.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

1. Obtain written concurrence from all users of the subject land.

REMARKS:

By letter dated October 28, 2009, Bruce K. Meyers of Okahara & Associates, Inc., contracted by the Federal Highway Administration, requested a right-of-entry permit onto government lands to: 1) perform horizontal and vertical control surveys, and topographic survey, which is required for the design phase of the project development process; 2) place centerline and right-of-way stakes for the proposed project together with all reference ties, or to place bench marks and temporary aerial target panels which may lie beyond the corridor limits; 3) perform geotechnical investigations, including test borings that may require accesses with the use of a helicopter; and 4) site investigations necessary for preliminary design by locating drainage structures, roadway intersections, and preliminary stakeouts. This right-of-entry upon government lands for the proposed realignment of the Saddle Road Project No. DTFH68-05-D-00003, is between the 6 and 11-mile markers at Kaumana, South Hilo, Island of Hawai'i. The proposed survey work is anticipated to last for 9-months, beginning November 16, 2009 to August 16, 2010. Only minor cuttings of branches or shrubs and clearing for line of sight for staking and boundary surveys are anticipated. The work performed during this time period will be intermittent and not continuous. If there is an existing road or open pasture to the boring sites, the drill rig will be driven to the site. If the boring site is inaccessible by road, the rig will be brought in by helicopter and placed within a 20' x 20' hand cleared area. No trees will be cut. All boring locations will be within the environmental study corridor and within the proposed roadway disturbance area.

Land Office Deed No. S-27,793 to B.A. Klingshirn, for a 12-foot wide access and utility easement.

Land Office Deed No. S-27,794 to the Hawaii Electric Light Company, Inc. for utility easement.

RECOMMENDATION:


That the Board, subject to the Applicant fulfilling the Applicant Requirements above, authorize the issuance of a right-of-entry permit to the Federal Highway Administration, its contractors, the State Department of Transportation, Okahara & Associates, Inc., its sub-consultants and/or persons acting for or on its behalf (hereinafter referred to as Permittee) for purposes described above. This right-of-entry, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:


1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;

November 19, 2009

2. This right-of-entry is for nine (9) months, commencing on November 16, 2009, and shall expire on August 16, 2010, or upon completion of the survey/studies, whichever is the sooner. Extensions if required, may be approved by the Chairperson;
3. Permittee shall obtain written concurrences for right-of-entry from all of the above listed property owners, lessees, permittees, grantees, holders of Executive Orders/ Proclamations, etc., prior to entry onto the subject property; and
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

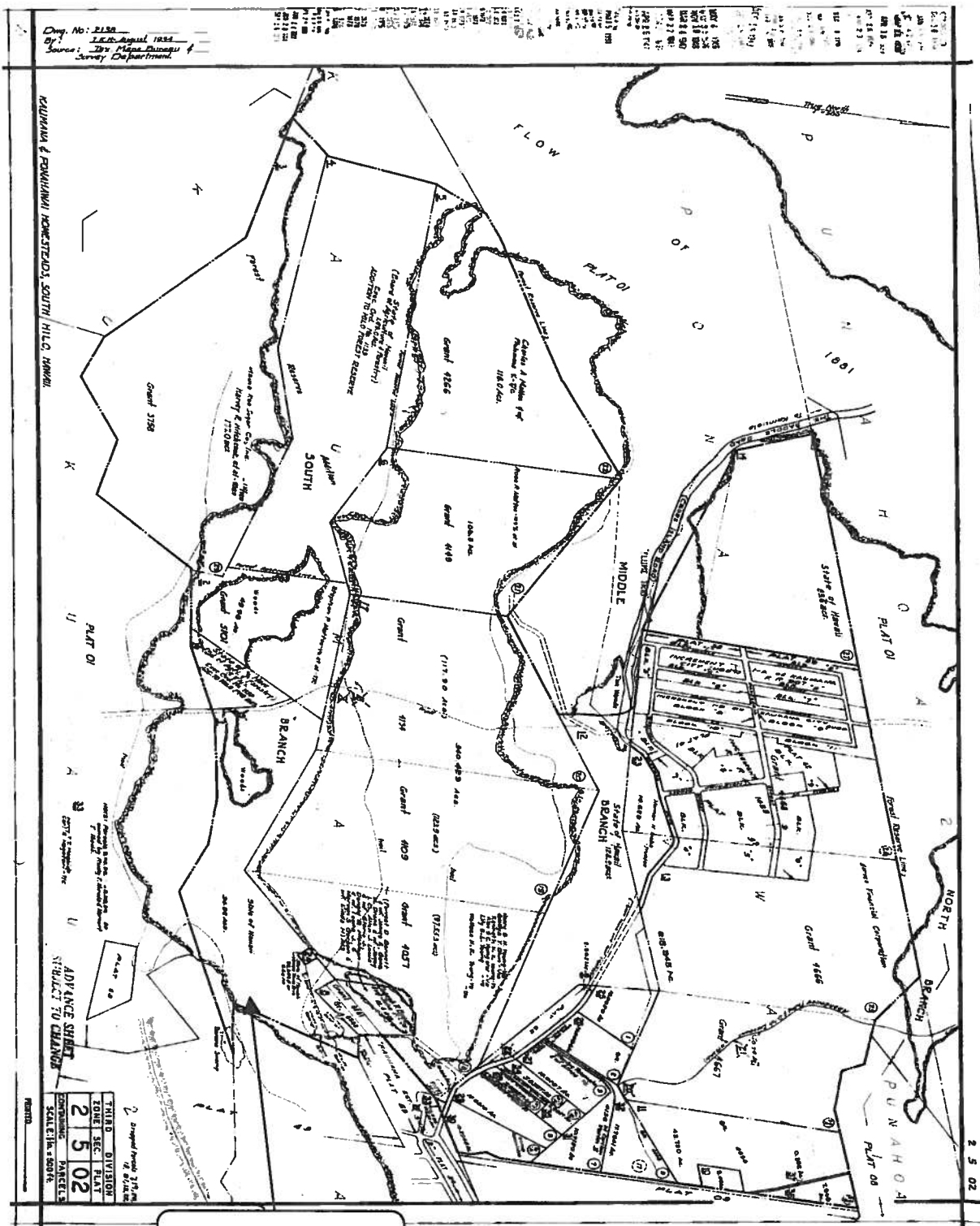


Wesley T. Matsunaga
Land Agent 

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson 



Subject

EXHIBIT A

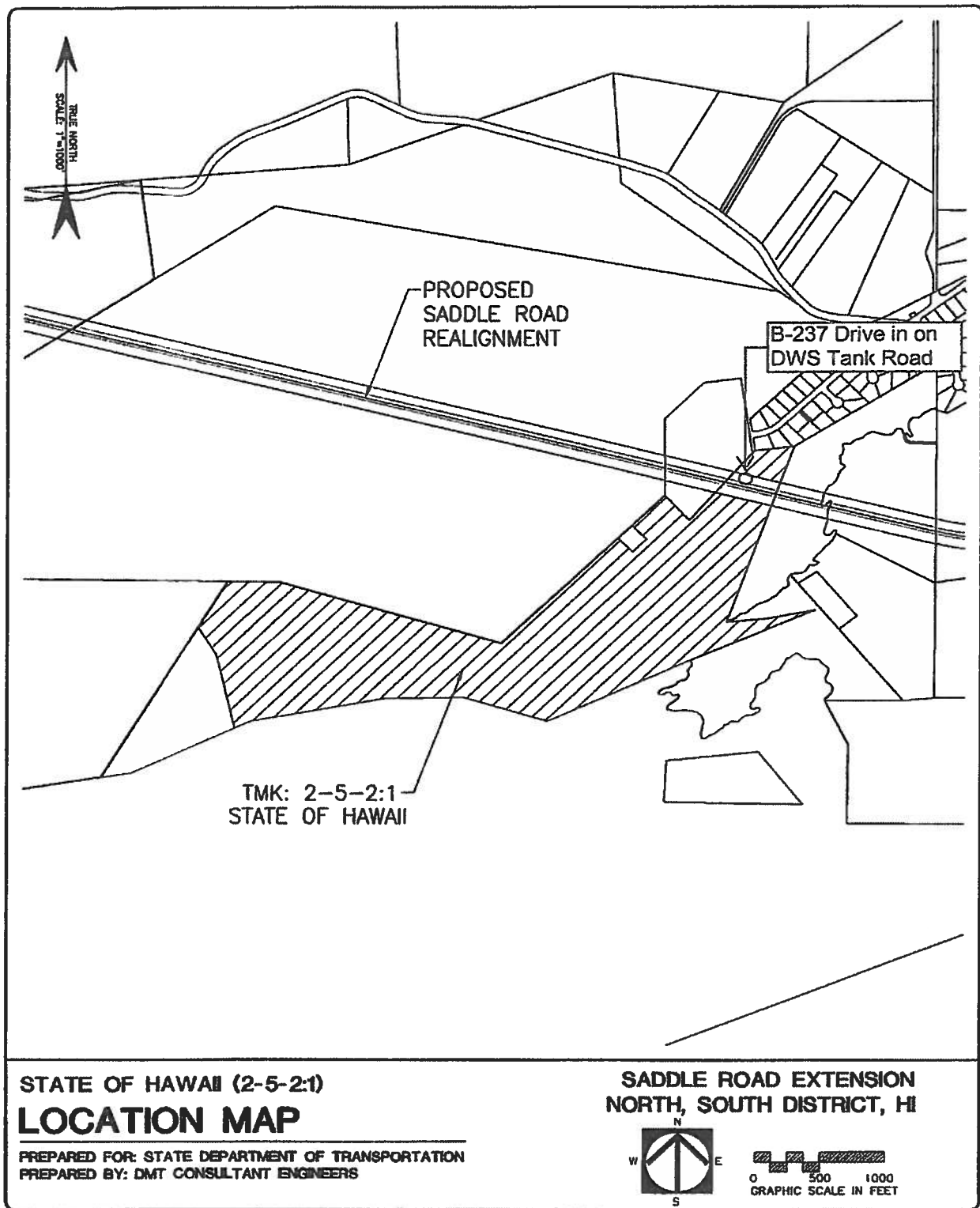


EXHIBIT A